

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Manabu SAITO et al.

Application No.: 10/827,323

Filed: April 20, 2004

Docket No.: 113539.01

For: IMAGE FORMING APPARATUS AND PROCESS CARTRIDGE USED IN THE SAME

PETITION UNDER 37 C.F.R. §1.53(e)(2) - THE APPLICATION WAS COMPLETE AS FILED ON OCTOBER 14, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is submitted in response to the June 30, 2004 Notice of Omitted Items in a Non-Provisional Application (copy attached). For the reasons discussed in detail below, it is submitted that Fig. 18 was in fact deposited in the U.S. Patent and Trademark Office with the non-provisional application papers filed on April 20, 2004.

Background

This application, including a specification, claims, drawings, Information Disclosure Statement and Petition for Extension of Time, was filed in the U.S. Patent and Trademark Office on April 20, 2004. Attached to this communication as Appendix A is a copy of the U.S. Patent and Trademark Office Acknowledgement of Receipt bearing the data stamp of April 20, 2004. Furthermore, attached to this communication as Appendix B is a copy of the U.S. Patent and Trademark Office postcard. Please note that both the Acknowledgement of

Receipt and the postcard indicate that Figs. 1-22 of the drawings were included with the application as filed.

In view of the foregoing, it is respectfully submitted that Fig. 18 was originally filed in the U.S. Patent and Trademark Office on April 20, 2004, and that Fig. 18 was subsequently misplaced.

Relief Requested

The U.S. Patent and Trademark Office is respectfully requested to: 1) withdraw the Notice of Omitted Items; 2) acknowledge that Fig. 18 was received on April 20, 2004; and 3) accord this application a filing date of April 20, 2004, including Fig. 18.

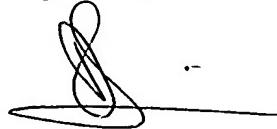
For the convenience of the Patent Office, a copy of Fig. 18 is attached so that the complete application can be processed for substantive examination.

* * * *

Although it is believed that Fig. 18 was subsequently misplaced after it was filed on April 20, 2004, attached is our check number 157887 in the amount of \$130 for the petition fee under 37 C.F.R. 1.17(h). Furthermore, the U.S. Patent and Trademark Office is authorized to debit Deposit Account Number 15-0461 in the amount necessary to effect the filing of this Petition. However, it is respectfully submitted that the petition fee should be refunded because of the Patent Office error.

The appropriate official of the U.S. Patent and Trademark Office is invited to contact the undersigned if there are any questions regarding this matter.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Tarik M. Nabi
Registration No. 55,478

JAO:TMN/sxb

Attachments:

- Appendix A - Copy of U.S. PTO Acknowledgement
of Receipt dated April 20, 2004
- Appendix B - Copy of U.S. PTO Postcard
- Copy of Notice of Omitted Item
- Copy of Fig. 18 of Drawings

Date: August 30, 2004

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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PTO RECEIPT FOR FILING OF PAPERS

► Mail Room (Regular Delivery)

The following papers have been filed:

Rule 53(b) Continuation-In-Part transmittal w/ chk. no. 153295 (\$1,398); Petition for Extension of Time w/ chk. no. 153318 (\$950); application (33 pp. spec./31 claims/Abstract); 20 shts. drwgs. (Figs. 1-22; Information Disclosure Statement; PTO-1449

Name of Applicant: Manabu SAITO et al.

Serial No.: New Rule 53(b) CIP App.

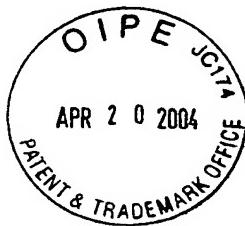
Atty. File No.: 113539.01

Title (New Cases): IMAGE FORMING APPARATUS AND PROCESS CARTRIDGE
USED IN THE SAME

Sender's Initials: JAO/TMN/dmw

253/26

PATENT OFFICE DATE STAMP



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PTO RECEIPT FOR FILING OF PAP

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(B)

The following papers have been filed:

Rule 53(b) Continuation-In-Part transmittal w/ chk. no. 153295 (\$1,398); Petition for Extension of Time w/ chk. no. 153318 (\$950); application (33 pp. spec./31 claims/Abstract), 201 shts. drawings (figs. 1-22; Information Disclosure Statement; PTO-1449

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Title (New Cases): IMAGE FORMING APPARATUS AND PROCESS CARTRIDGE USED IN THE SAME

Sender's Initials: JAOTMN/dmw
15364 U.S. PTO
10/827323

ASSIGNEE: Fuji Xerox Co., Ltd.



042004



Fig. 18

